

**REGULAR MEETING
MENOMINEE CONSERVATION COMMISSION
JANUARY 4, 2010 - 5:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Roll Call and Call to Order:

Chairman Doug Cox called the meeting to order at 5:00 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Doug Cox, Craig Corn, Renita Wilber, Darren Zhuckkahosee, Jeremy Pyatskowit, and Gary Frechette. MEMBERS ABSENT: None. Also present: Walter Cox, Don Reiter, Darryl Wilber, Warren Wilber Jr., Jean Cox, and Linda Peters, Recorder.

2. Moment of Silence.

Chairman Cox requested a moment of silence.

3. Special Rules for Meeting.

Chairman Doug Cox stated that the Commission has limited each person to a three minute time limit during the public comment period.

Craig Corn wanted this information for the record, because the Menominee Nation News and the public have been scrutinizing the Commission and their actions.

Warren Wilber wanted to know why the public comment period is limited. If the Commission only has four meetings a year; this does not give tribal members a chance to voice their opinion.

Gary Frechette informed Mr. Wilber that the public has three minutes to speak on any issue that they would like during the public comment period and the public is allowed to comment during the agenda items after the Commissioners' have had their chance to speak. This rule was implemented due to past meetings where individuals in the audience were debating amongst themselves and the Commission could not conduct business; where individuals have not followed these procedures, became unruly to the point where the Tribal Police Department had to step in and remove individuals.

4. Approval of Minutes dated October 10, 2009.

The date of the minutes needs to be changed from October 5, 2009 to October 10, 2009. The Commission discussed the portion of the minutes that pertained to the removal of a tribal member from this meeting. The Commission requested that this portion needs to be kept in the minutes to create a paper trail.

Motion made by Renita Wilber to approve the minutes dated October 10, 2009 with the amendment. Second was by Darren Zhuckkahosee.

Motion made by Craig Corn that we include the amended minutes just to make sure that everything is documented; so that we as a Commission are not singling out anybody. Second was by Darren Zhuckkahosee. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 0 absent.

5. Public Comment Period.

Warren Wilber Jr. – Relinquished members: “Let’s see the enforcement pick up on them. There are people out there bragging that they can still hunt. I know that the Conservation Department is probably understaffed at that time of the year. I know that there are people bragging about it. I don’t think that they belong out there, and part of the reason that I am bringing it up is, because one of the members; a relinquished person told me that he is married to a Menominee woman and has the same rights as a Permittee. Can someone clarify that? (And because I have only three minutes) I think that the Commission needs to demand from the Tribal Chairman’s Office to get the legal opinion out. To me as a tribal member, to me it looks like they are playing politics on the legal opinion about 99-01. Everyone knows that the elections are coming up and they are playing politics with it, in my opinion. I would like to see the Commission Chairman or whoever you would have to do to get it, demand to see that.”

Chairman Cox responded to Warren Wilber Jr. stated that the Commission does need to address and update the relinquishment portion in Ordinance #99-01. Walter Cox stated that if anyone sees someone out in the woods that does not belong there, please contact his Department.

6. Amendment to 99-01: Conservation Commission.

Walter Cox informed the Commission that the Strategic Plan-Natural Resource workgroup does not have any plans to amend Ordinance 99-01. The Commission continued discussion on the natural resource area of the Strategic Plan and would like the Strategic Plan Workgroup to review Ordinance 99-01.

Motion made by Gary Frechette to request to have Ordinance 99-01 put on the Strategic Plan agenda for Natural Resources-Goal 22-Objective 1. Second was by Renita Wilber. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 0 absent.

7. Decision Tree.

This item was discussed under item # 9.

8. Restocking Streams and Lakes report: Don Reiter.

Don Reiter updated the Commission on the Walleye Rearing Ponds and how they are maintained. Walleye fingerlings have been introduced into Hazel, Crowell, Burney, Lake Elma, Legend, LaMotte, and Moshawquit Lakes. The BIA has been increasing tribal funds due to the positive results from our rearing ponds.

The Commission thanked Don Reiter for his update and complimented the Department on their success.

9. Hunting and Trapping Regulations.

The Commission will have the current version of the Regulations sent to them prior to the next meeting. The Commission discussed utilizing the decision tree as a tool when discussing changes to the regulations, but not to adopt the tree until it has been developed into a process that will assist the Commission in making decisions.

Jeremy Pyatskowit requested to comment for the record: *"Two things for the record. I did not bring up adoption or anything like that. The Chairman is the only one that referred to adopt anything. The second reason was that this Commission sitting here now has the opportunity to do something so they do not have to go down the same road. Remember what happen for the past two years. We are trying to set a path for other Commission's to get things done easier without the controversy that we go through every time something come up. If you do not think that is a good idea. We are tying to make a process that makes it easier in the future to get things done."*

10. Commissioner Complaint: Requesting to Reinstate 2005-2007 Hunting and Fishing Regulations.

Chairman Doug Cox informed the Commission that the request went to the Legal Department for a response. The Legal Department did contact Mr. Cox on the issue, but around the same time Legislator Chevalier motioned to have the Legal Department render a decision on the constitutionality of Ordinance 99-01. Chairman Cox informed the Commission that he has been trying to obtain a copy of the legal opinion and was informed that the opinion is for the Legislature only. He was invited by Chairman Waukau to attend the next Executive Session and waited 45 minutes and then was informed that he would not be able to hear the discussion. Mr. Cox stated that the Commission should be able to hear what the discussion is when it concerns them. The Conservation Commission Bylaws clearly states that the Conservation Commission Chairman will be the communications network between the Legislature and the Commission and we should have been at the table. Chairman Waukau informed him that the Legislature formed an Ad Hoc Committee that will work with the Legal Department on the constitutionality of Ordinance 99-01. Mr. Cox also informed the Commission that the Legislature has excluded the Commission and it is an insult to this Body.

The Commission wanted to know what needs to be done in order to get an answer from the Legal Department to address this complaint. It was stated that the Tribal Legislature is playing politics with this Commission and has been doing this for the past two years and that it is obvious that this is the reason that the Commission's request is being tabled.

Darren Zhuckkahosee left the meeting at 6:40 p.m. for personal reasons and was excused.

It was noted that Legislator Eugene Caldwell reviewed the legal opinion at the Legislator meeting, then the Legislator's voted to table the legal opinion and then motioned to discuss this in Executive Session at their next meeting.

Motion made by Gary Frechette to have the Menominee Conservation Commission Chairman attend Thursday's night meeting (January 7, 2010) to communicate the Commission's disgruntle that the legal opinion (that has been done since November, 2009) has not been reviewed with them and communicated per Ordinance 99-01, and that this Commission should not be left out of any discussions. Second was by Craig Corn. All those in favor of the motion signify by saying aye. Motion carried: 3 for, 1 opposed (Pyatskowitz), 0 abstentions, and 1 absent (Zhuckkahosee).

11. Other Business.

Chairman Doug Cox informed the Commission that he went to the Chairman's Office to schedule the November 2009 meeting and was informed that the Commission was only budgeted for the quarterly meetings. The Commission's Bylaws stated regular monthly meetings and the Ordinance states a minimum of 4 meetings per year. The Commission was not even asked what business needs to be conducted this year.

Craig Corn commented for the record: *"How long did it take us to hash out these last hunting regulations? Two years! It took us two years to get those regulations out. It is a hot topic and it is something that needs all of our attention. It needs all of us (the Legislator and the Commissioners) and they want us to get them out."*

Motion made by Craig Corn that we set our Conservation meetings as deemed necessary as per 99-01 and the Bylaws for the protection of our natural resources. Second was by Gary Frechette. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Zhuckkahosee).

12. Adjournment.

Motion made by Gary Frechette to adjourn. Second was by Renita Wilber. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Zhuckkahosee).

Meeting adjourned at 7:05 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber
Recording Clerk – Chairman's Office